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JUN 16 2000

FCC MAIL ROOM

June 15, 2000

Magalie Roman Salas
Secretary, Room TW-A325
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

94-129 /

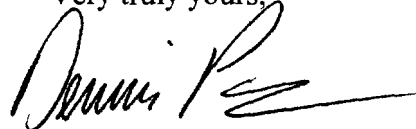
**Re: Petition for Expedited Waiver
of 47 CFR §§ 64.1100 - 64.1190
Policies and Rules Concerning Unauthorized Changes
of Consumer's Long Distance Carriers**

Dear Ms. Salas:

PowerNet Global Communications (PNG) by its attorney, submits an original and four copies of a Petition for Expedited Waiver. PNG seeks an expedited limited waiver of 47 CFR §§ 64.1100 - 64.1190 to permit the transfer of certain presubscribed customers of Broadwing Communications to PNG without first obtaining subscriber authorization and verification.

An extra copy has been enclosed for return. Please file-stamp it and return it in the enclosed envelope. If you have any questions concerning this filing, or if you require further information, kindly contact the undersigned.

Very truly yours,


Dennis M. Packer

DMP/dp
encl.

cc: Rich Popper, PNG
JC George, Broadwing

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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JUN 16 2000

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In the Matter of)	
)	
Implementation of the Subscriber Carrier)	
Selection Changes Provisions of the)	
Telecommunications Act of 1996)	
)	CC Docket No. 94-129
PowerNet Global Communications)	
Petition for Expedited Waiver)	

**PETITION FOR EXPEDITED WAIVER
OF COMMISSION'S RULES**

PowerNet Global Communications ("PNG") respectfully requests a limited waiver of the authorization and verification requirements of the Commission's rules, 47 C.F.R. §§ 64.1100 through 64.1190 (1999), and relevant Orders to the extent necessary to permit PNG to transfer certain customers of Broadwing Communications ("Broadwing") to PNG's customer base without first obtaining each subscriber's authorization and verification.¹ As demonstrated herein, PNG fully satisfies the special circumstances required for a waiver of the Commission's rules as stated in *Wait Radio v. FCC* and grant of the instant Petition will serve the public interest.² PNG requests expedited treatment of this waiver so that PNG and Broadwing may close their transaction as soon as possible.

I. Background

¹The FCC's verification rules prohibit a telecommunications carrier from submitting a preferred carrier change order unless the carrier has obtained either: (1) the subscriber's written letter of agency; (2) the subscriber's electronic verification via a toll-free telephone number used exclusively to verify subscriber carrier changes; or (3) the subscriber's oral authorization to submit the preferred carrier change order from an appropriately qualified independent third party that confirms and includes appropriate verification data—e.g., the subscriber's date of birth or social security number. 47 C.F.R. §64.1100 (1999).

²*WAIT Radio v. FCC*, 418 F.2d 1153, 1159 (D.C. Cir. 1969); *Northeast Cellular Telephone Co. v. FCC*, 897 F.2d 1164 (D.C. Cir. 1990).

PNG currently provides resold long distance and international telecommunications services.³ PNG is an Ohio corporation that is authorized to provide interstate and intrastate long distance service in 48 states. Broadwing Communications also provides interstate and intrastate long distance services as well as other voice, data and Internet services. PNG and Broadwing have entered into an agreement providing for the transfer of approximately 5,396 interstate and intrastate long distance customer accounts of Broadwing.

This petition arises out of a transaction in which PNG acquired the assets NTA Communications Corporation (“NTA”). NTA served as an agent for marketing and solicitation of customers for Broadwing pursuant to an Agent Services Agreement between the two dated January 19, 2000. PNG acquired all of the assets of NTA through an Asset Purchase Agreement dated April 27, 2000, including an assignment of NTA’s Agent Services Agreement with Broadwing. PNG and Broadwing then agreed to cancel the Agent Services Agreement in return for a transfer of the customer accounts acquired by NTA for Broadwing to PNG’s customer base. The affected customers will remain on the Broadwing network; that is, Broadwing will continue to serve as the underlying facilities-based carrier for these customers.

In accordance with the Commission’s prior Orders in this docket, PNG proposes to send the attached notice letters to the affected Broadwing customers. The letter attached as Exhibit A is intended to notify the affected customers of the transfer prior to customer migration (the “Notice Letter”). This letter will be amended as required by the Commission and sent to the affected customers only after PNG’s petition has been granted. The Notice Letter will inform the

³PNG Telecommunications, Inc. d/b/a PowerNet Global Communications holds Section 214 “global” resale authority pursuant to Section 214 of the Communications Act of 1934, as amended, File No. ITC 96-557 (eff. Dec. 5, 1996).

affected customers (1) that their long distance service will be switched to PNG; (2) that customers will be assessed no charge in connection with the transfer from Broadwing to PNG; (3) that PNG will offer rates comparable to or lower than the rates offered by Broadwing; and (4) that customers are free to change carriers if they are not satisfied with the service provided by PNG. The letter will also provide the affected customers with a toll-free number to call with any questions concerning the transaction.

After the customers have been transferred to PNG's network, PNG will send the letter attached as Exhibit B (the "Post-Migration Letter"). The Post-Migration Letter will notify the customers that the transfer has been completed, reiterate the information contained in the Notice Letter, and remind the customers that they are free to choose another long distance carrier if they are not pleased with the service they receive from PNG.

Broadwing and PNG will cooperate together to ensure that the transition of the affected customer's to PNG is seamless and to resolve any outstanding customer complaints regarding long distance or international service filed by the affected customers.

II. Discussion

The FCC has authority to waive a rule if special circumstances warrant a deviation from the general rule and such deviation will serve the public interest. *WAIT Radio*, at 1159; *Northeast Cellular Telephone Co.*, at 1166. PNG submits that waiver of the Commission's authorization and verification rules is appropriate in this case. A deviation from the rules is necessary to enable PNG to ensure a seamless transition of the affected Broadwing customers to PNG without inconveniencing the customers or interrupting their service. If PNG were required to obtain verification from each customer, there is a risk that the long distance services of certain

customers could be interrupted, or that customers could be charged higher casual calling rates if a carrier selection is not made since Broadwing has committed to discontinue service to these customers and to transfer them to PNG.

Moreover, the letters PNG proposes to send to affected Broadwing customers will ensure that customers are informed of the process and that their rights are adequately protected. All of the affected Broadwing customers will receive prior notification of the change in carriers, be informed of their ability to select the interexchange carrier of their choice; to be reimbursed for any PIC change charges imposed by their LECs, and will be given a toll-free number to contact PNG with any questions regarding the transaction. After customers are switched to PNG, they will receive another letter giving them the same information again. By granting the transfer of these customers via the process described in this Petition, the Commission will ensure that the policy goals of the carrier change rules are served in an efficient fashion that will permit PNG to seamlessly transfer the affected Broadwing customers without any disruption of service. The circumstances involved in the instant Petition are similar to those in which the Commission has previously found sufficient to justify a waiver of the carrier change rules.⁴

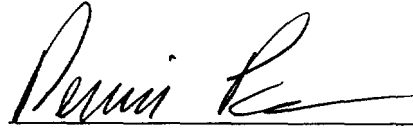
III. Conclusion

Whereas, PNG respectfully requests the Commission grant a limited waiver of the authorization and verification requirements of the Commission's rules, 47 C.F.R. §§ 64.1100- through 64.1190 (1999), and the relevant Orders to the extent necessary to permit PNG to transfer selected customers of Broadwing to PNG's customer base without first obtaining

⁴See *In re Implementation of Subscriber Carrier Selection Changes Provisions of the Telecommunications Act of 1996. IDT Corporation and IDT America, Corp. Request for Waiver*, CC Docket 94-129 (rel. May 2, 2000)

customers' authorization and verification.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Dennis M. Packer", written over a horizontal line.

Dennis M. Packer
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650 Westlake Center
Cincinnati, Ohio 45242
Tel: (513)563-3090
Fax: (513)563-3011

Counsel for PowerNet Global
Communications

CERTIFICATE OF SERVICE

I, Dennis Packer, do certify that copies of the foregoing Petition for Expedited Waiver were served upon the persons listed below by regular U.S. Mail, postage prepaid on this 15th day of June, 2000.

Magalie Roman Salas
Secretary, Room TW-A325
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

Glenn Reynolds
Common Carrier Bureau
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

Robert C. Atkinson
Deputy Chief
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

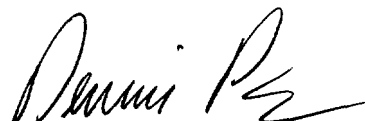
Deena Shetler
Common Carrier Bureau
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

K. Michele Walters
Associate Division Chief
Accounting Policy Division
Common Carrier Bureau
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
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Katherine Schroder
Common Carrier Bureau
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

Anita Cheng
Common Carrier Bureau
Federal Communications Commission
The Portals, 445 Twelfth Street, S.W.
Washington, DC 20554

International Transcription Services
1231 20th Street, N.W.
Washington, DC 20036



Dennis M. Packer





EXHIBIT A - PRE-TRANSFER NOTICE
LETTER

<<Date>>

Dear Broadwing Customer,

PowerNet Global Communications, a national provider of long-distance, data and Internet services has entered into an agreement with NTA Communications Corporation whereby PowerNet Global will purchase the assets of NTA. As part of this transaction, Broadwing Communications and PowerNet Global have agreed to transfer NTA members' accounts from Broadwing to PowerNet Global. Since your service will remain on the Broadwing network, you will continue to receive the same excellent service offered by Broadwing coupled with the low rates offered by PowerNet Global.

PowerNet Global offers customers simple, flat-rate pricing any time of the day or night. So PowerNet Global will be offering you rates comparable to – if not lower – than the rates you are currently getting with Broadwing.

Broadwing and PowerNet Global will work together to ensure that your transition to PowerNet Global will be seamless with no interruption of service. Nor will you be required to pay any switchover fees associated with the transfer. If you have any questions or concerns about this change in long distance service, we encourage you to call PowerNet Global's customer service at 1-800-860-9495. Our customer service representatives will be happy to discuss the transition with you and to answer any questions you may have.

We are confident you will be pleased with the superior service you receive from PowerNet Global. We also recognize, however, that you are free to select another carrier if you are not satisfied with the service you receive. We want you to know that we value our relationship with you and pledge to provide you with value-added communications solutions and unrivaled customer support as we move forward.

Sincerely,

Bernie Stevens
President & CEO
PowerNet Global Communications



ALL STATE LEGAL 800 322-0810 FDS11 RECYCLED

EXHIBIT B - POST MIGRATION NOTICE LETTER



P.O. Box 1858
West Chester, Ohio 45069

IMPORTANT NOTICE

As announced in previous correspondence, PowerNet Global has purchased the assets of NTA Communications Corporation and, as part of this transaction, Broadwing Communications and PowerNet Global agreed to transfer NTA members' accounts from Broadwing to PowerNet Global.. This transaction will allow us to offer you a wide variety of products at comparable or lower rates while maintaining the same quality of customer service you have received from Broadwing in the past. No charges or fees will be imposed and no rate increase will occur as a result of this transaction and the transfer of your account to PowerNet Global.

We are confident you will be pleased with the superior service you receive from PowerNet Global. We value our relationship and pledge our commitment to providing you with quality services and personalized customer care. However, if you are not satisfied with the service you receive from PowerNet Global, please understand that you are free to choose another long distance service provider.

Please contact us at 1-800-860-9495 if you have any questions or concerns about your service.

PowerNet Global Communications, Inc.